

THE COMMONWEALTH.

KENTUCKY LEGISLATURE.

IN SENATE.

Tuesday, Jan. 29, 1856.

Prayer by the Rev. J. M. BONNELL, of the Methodist Church.

PETITIONS.

Were presented and referred, as follows:

Mr. KOHLHASS—petition from the voters of District No. 6, in Clark county, praying to be added to the Germantown District, and that the place of voting in the Germantown District be changed to Bush's Mills; committee on Privileges and Elections.

Mr. SILVERTOOTH—a petition of Civil District No. 2, in Hickman county, praying for a division of the District; committee on Privileges and Elections.

Mr. HOGAN—a petition of Barnwell N. Carter, of Grant county, for the amendment of the school law of this Commonwealth; committee on Education.

REPORTS OF STANDING COMMITTEES.

Mr. BARLOW, from the committee on Finance, reported a bill for the benefit of John W. DeJarnet, late sheriff of Grant county; passed.

Also—a bill for the benefit of Nimrod D. Wheeler, late sheriff of Pendleton county; passed.

Mr. WADSWORTH, from the committee of twelve upon Judicial Districts, reported a bill to divide the State into thirteen Judicial Districts. The bill is as follows:

1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the State of Kentucky shall be divided into thirteen Circuit Court Judicial Districts, as follows, viz:

First District—Fulton, Hickman, Ballard, Graves, McCracken, Calloway, Marshall, Livingston, Lyon, Crittenden and Union.

Second District—Henderson, Hopkins, Caldwell, Trigg, Christian, Todd and Muhlenberg.

Third District—McLean, Davis, Hancock, Ohio, Grayson, Breckinridge, Meade, Hardin and Letcher.

Fourth District—Logan, Butler, Warren, Simpson, Allen, Edmonson, Barren, Monroe and Hart.

Fifth District—Green, Taylor, Marion, Washington, Nelson, Mercer and Anderson.

Sixth District—Garrard, Boyle, Lincoln, Casey, Pulaski, Wayne, Clinton, Russell, Cumberland and Adair.

Seventh District—Jefferson, Oldham, Shelby, Spencer and Bullitt.

Eighth District—Franklin, Owen, Henry, Trimble, Carroll, Gallatin, Grant and Boone.

Ninth District—Kenton, Campbell, Pendleton, Harrison and Bracken.

Tenth District—Mason, Nicholas, Fleming, Rowan, Lewis and Greenup.

Eleventh District—Montgomery, Powell, Bath, Morgan, Carter, Lawrence, Johnson, Floyd and Pike.

Twelfth District—Estill, Owsley, Breathitt, Perry, Letcher, Harlan, Clay, Knox, Whitley, Laurel and Rockcastle.

Thirteenth District—Madison, Jessamine, Clarke, Fayette, Woodford Scott and Bourbon.

2. There shall be a Circuit Court Judge and a Commonwealth's Attorney elected in and for every one of the foregoing thirteen districts, on the first Monday in August, 1856, in pursuance of the election laws then in force; and the business of the Circuit Courts shall be conducted in all respects, until that time, and until the new Judges have been commissioned and qualified, as if this act had not been passed.

3. The times of holding the Circuit Courts in and for the aforesaid districts, and the number of Judicial days in each county, shall be as prescribed by law.

Mr. WADSWORTH, chairman of the committee, in reporting the bill, stated that on account of the great difficulties attending the formation of districts in the extreme Western part of the State, the committee found it very desirable, perhaps absolutely necessary, to place a large number of counties in the First District, and an excess of business. In doing this, however, the committee almost unanimously resolved to recommend the creation of an Equity and Criminal Court for that district, and to support a bill for that purpose. Nearly all of the committee pledged to this measure of justice and necessity to that large and extensive district.

Mr. WEIS proposed the following as a substitute:

1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the State shall be divided into thirteen Circuit Court Judicial Districts, as follows:

First District—Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Lyon, Crittenden and Union.

Second District—Trigg, Lyon, Christian, Caldwell, Hopkins, Union and Henderson.

Third District—Muhlenberg, Daviess, Hancock, Breckinridge, Meade, Hardin, Ohio, McLean and Grayson.

Fourth District—Todd, Logan, Butler, Hart, Edmonson, Warren, Simpson, Allen, Monroe and Barren.

Fifth District—Cumberland, Clinton, Wayne, Pulaski, Casey, Lincoln, Green, Larue, Adair, Russell and Whitley.

Sixth District—Bullitt, Jefferson, Spencer, Shelby and Oldham.

Seventh District—Nelson, Marion, Washington, Mercer, Boyle, Anderson and Taylor.

Eighth District—Henry, Trimble, Carroll, Gallatin, Boone, Kenton and Grant.

Ninth District—Campbell, Pendleton, Mason, Bracken, Nicholas and Lewis.

Tenth District—Bath, Fleming, Greenup, Carter, Lawrence, Montgomery, Morgan, Powell and Rowan.

Eleventh District—Fayette, Clarke, Estill, Madison, Garrard, Jessamine and Rockcastle.

Twelfth District—Harlan, Laurel, Clay, Perry, Owsley, Letcher, Breathitt, Floyd, Pike and Johnson.

Thirteenth District—Owen, Franklin, Woodford, Scott, Bourbon and Harrison.

The bill and substitute were then ordered to be printed, and made the order of the day for tomorrow, 12 o'clock.

Mr. WADSWORTH, from the committee on Education, reported a bill to amend the 88th chapter of the Revised Statutes, title "Schools and Seminaries." The bill is as follows:

1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter there shall be but one Commissioner of Common Schools in each county, who shall be appointed by the Superintendent of Public Instruction, and hold his office for four years, and until his successor is appointed and qualified. The Superintendent shall remove Commissioners for neglect of duty or misfeasance, and fill any vacancy that may occur.

2. A Commissioner, before commencing his duties, shall qualify and give bond as now directed by law.

3. He shall have the powers, and discharge all the duties now pertaining to Commissioners for Common Schools; and in addition, shall visit, at least once every year, each district in his county, for the purpose of investigating the operations of the common school system therein, and promoting, by an address or otherwise, the cause of public instruction.

4. Each Commissioner shall receive for his services three dollars a day for every day he is necessarily employed in the discharge of the duties of his office, to be paid out of the county levy; but he shall not be paid for more than twenty-five days in any one year.

5. A Commissioner, when he resigns, vacates, is removed, or goes out of office, shall, within ten days thereafter, deliver to the clerk of the County Court, for his successor, or to his successor, any money, property, effects, books, or papers remaining in his hands as Commissioner; and for failure herein he shall be fined not more than one hundred dollars.

6. A Commissioner, for neglect of duty, or misfeasance, shall be fined any sum not exceeding twenty dollars, by the County Court, on motion; ten days' notice, in writing, of such motion having been given.

7. Trustees for school districts shall hereafter be appointed by the Commissioner for their county, who shall remove them for neglect of duty or misfeasance.

8. The trustees shall report as now directed by law, except that any one of them may verify the report by his affidavit.

9. Trustees delaying their report, or neglecting to report in time to the Commissioner, unless from unavoidable accident or misfortune, shall be fined, each one in fault, five dollars by the County Court, on motion; ten days' notice, in writing, of such motion having been given.

10. This act shall take effect on the 1st day of July, 1856.

Mr. HOGAN suggested that some amendments proposed by B. N. Carter, in a petition presented by him this morning, should be printed with the bill.

The bill and petition ordered to be printed and made special order for Monday next.

Mr. WADSWORTH, from same committee, reported a bill for the benefit of common school districts of this Commonwealth; passed.

[The bill allows districts until July next to report for schools taught in the years 1853, 1854, 1855, and provides that districts in which schools were organized in the years 1854 and 1855, and taught for three months at any time in said years, shall be allowed until July 1st, 1856, to return their reports, and may receive the proportion they would have received if the reports had been made and the schools taught in time, provided there shall be a sufficient surplus for that purpose due the county in which such districts are located.]

Mr. WADSWORTH also reported, from the same committee, a bill for the benefit of School District No. 6, in Fulton county; passed.

Mr. WADSWORTH moved that the committee be discharged from the further consideration of the leave to bring in a bill to incorporate the Jefferson Female Academy; committee discharged.

Mr. McFARLAND, from the committee on Agriculture and Manufactures, reported a bill from the House to incorporate the Springfield Agricultural and Mechanical Association; passed.

Also—a bill from the House to incorporate the Warren County Agricultural and Mechanical Association; passed.

Also—a bill from the House to incorporate the Southern Kentucky Fair Ground Association; passed.

Also—a bill from the House to incorporate the Christian County Agricultural and Mechanical Association; passed.

Mr. HOWELL, from the committee on Revised Statutes, reported a bill to that committee recommended, for the benefit of the constables of Franklin and Woodford counties, and the marshals of Franklin and Versailles; with an amendment by way of substitute.

The substitute gives the constables concurrent jurisdiction with sheriffs, in serving civil process and collecting executions from the Quarterly Courts, under \$100.

Amendment adopted.

Mr. WALTON opposed the bill.

Mr. HAGGIN offered an amendment excepting the county of Jefferson.

Mr. BUCKNER moved to amend the amendment so as to except the counties of Christian and Todd.

Mr. HAGGIN accepted the amendment.

Mr. STONE opposed the amendments and advocated the bill.

Mr. BUCKNER insisted upon his amendment if the bill passed.

Mr. HAGGIN opposed the bill.

Mr. DeCOURCY moved to amend the amendment so as to except the counties of Kenton and Campbell; rejected.

Mr. HAGGIN's amendment was then rejected.

The bill was then passed—yeas 22; nays 12.

Mr. HOWELL also reported from the same committee, a bill to amend the 1st section, article 17, chapter 28th, of the Revised Statutes, entitled "Penal Offenses."

The bill amends the present law so that the offense of stabbing or shooting, in sudden affray, not in self-defense, but without malice, and where death does not ensue, may be fined not exceeding \$500, or imprisoned at the discretion of a jury, or both fined and imprisoned, instead of being both fined and imprisoned in all cases, as now prescribed by law.

Messrs. KING, CONKLIN, BULLOCK, and STONE advocated the bill, and Mr. WADSWORTH opposed it.

Mr. HAGGIN moved to amend so as to embrace under the same punishment those who with hand, fist or feet, beat, assault, or menace others of inferior size or strength.

Mr. HAGGIN advocated his amendment.

Before the vote was taken the hour for the orders of the day arrived.

RECONSIDERATION.

Mr. WADSWORTH moved to reconsider the vote by which the bill for the benefit of Bright & Chapman & Merriweather was rejected yesterday; adopted and bill recommitted to the committee on Finance.

ORDERS OF THE DAY—FEDERAL RELATIONS.

The Senate resumed the consideration of the resolutions heretofore submitted by Mr. BARLOW, and the substitute reported therefor by Mr. CONKLIN, from the committee on Federal Relations. [Both the original resolutions and the substitute were published in the proceedings of yesterday.]

Mr. BARLOW moved to strike out the 4th, 8th, and 9th resolutions of the substitute, but afterwards withdrew the motion.

The question being taken upon the adoption of the substitute, Mr. WALTON addressed the Senate at length in opposition to it.

The subject was then informally passed over.

LEAVE TO BRING IN BILLS.

Was obtained and referred as follows:

Mr. DeCOURCY a bill to increase the power of appointment of the Mayor of the city of Covington; committee on the Judiciary.

Also—a bill to incorporate the Kenton Lodge, No. 4, of I. O. O. F.

Also—a bill to incorporate the Olive Branch Camp, I. O. O. F.; committee on the Judiciary.

Mr. HOGAN—a bill for the benefit of School District No. 14, in Owen county; committee on Education.

Mr. IRVINE—a bill to incorporate the Lowell Turnpike Road Company; committee on Internal Improvement.

REPORTS FROM SELECT COMMITTEES.

Mr. SILVERTOOTH, from a select committee, reported a bill to amend the charter of the Hickman and Obion Railroad Company; passed.

Also—a bill to incorporate the Nashville and North Western Railroad Company; passed.

CIRCUIT COURT DISTRICT BILL.

By common consent, Mr. BLAIN offered an amendment to the substitute offered by Mr. WEIS to the bill reported by Mr. WADSWORTH from the committee of twelve, dividing the State into thirteen Judicial Districts—and the same was ordered to be printed with said bill and substitute.

Mr. BLAIN's amendment proposes to arrange the Districts as follows:

First District—Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Lyon, Crittenden and Union.

Second District—Trigg, Lyon, Christian, Caldwell, Hopkins, Union and Henderson.

Third District—Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Ohio, McLean and Grayson.

Fourth District—Todd, Logan, Butler, Hart, Edmonson, Warren, Simpson, Allen, Monroe and Barren.

Fifth District—Cumberland, Clinton, Wayne, Pulaski, Casey, Lincoln, Green, Larue, Adair, Russell and Whitley.

Sixth District—Bullitt, Jefferson, Spencer, Shelby and Oldham.

Seventh District—Nelson, Marion, Washington, Mercer, Boyle, Anderson and Taylor.

Eighth District—Henry, Trimble, Carroll, Gallatin, Boone, Kenton and Grant.

Ninth District—Campbell, Pendleton, Mason, Bracken, Nicholas and Lewis.

Tenth District—Bath, Fleming, Greenup, Carter, Lawrence, Montgomery, Morgan, Powell and Rowan.

Eleventh District—Fayette, Clarke, Estill, Madison, Garrard, Jessamine and Rockcastle.

Twelfth District—Harlan, Laurel, Clay, Perry, Owsley, Letcher, Breathitt, Floyd, Pike and Johnson.

Thirteenth District—Owen, Franklin, Woodford, Scott, Bourbon and Harrison.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Tuesday, Jan. 29, 1856.

Prayer by the Rev. J. P. Safford, of the Presbyterian Church.

The Journal of yesterday was read.

MESSAGE FROM THE SENATE.

A message was received from the Senate announcing that they had disagreed to a bill from the House, entitled, an act to provide for appointing a gaoler and overseers on the turnpike road in Knox county.

PETITIONS.

Mr. GARRARD presented the petition of sundry citizens of Clay county, praying the change of a voting place in said county; referred to the committee on Privileges and Elections.

Mr. BEAUCHAMP presented the petition of sundry citizens of Nelson, Hardin, and Marion counties, praying the establishment of a new county out of parts of said counties; referred to the committee on Propositions and Grievances.

Mr. WHITELEY presented the petition of sundry citizens of Louisville, praying for the passage of a law to prevent the stealing of dogs; referred to the committee on Agriculture and Manufactures.

Mr. J. M. FOGLE presented the petition of sundry citizens of the town of Raywick, in Marion county, praying that the charter of said town be amended and restored; referred to the committee on the Judiciary.

MOTION.

Mr. CORBETT moved that a message be sent to the Senate, asking leave to withdraw the report of the disagreement of this House to a bill from the Senate, entitled, an act to amend the 68th chapter of the Revised Statutes, carried.

After a short debate the bill was returned to the House, when the vote rejecting the same was reconsidered.

Mr. MONTGOMERY moved the previous question upon the passage of the bill: lost.

The question was then taken upon the passage of the bill, and it was decided in the negative—yeas 43; nays 50.

REPORTS FROM STANDING COMMITTEES.

The House resumed the consideration of the unfinished report of the committee on Revised Statutes which was a bill to regulate the sale of slaves.

Said bill reads as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any person who, being the owner of slaves, including a mother, and child or children, shall sell separately from the mother any slave child under ten years of age, shall be fined \$100 for each offense, one-half of the fine to be paid to the informer and prosecutor.

The offender may be indicted without a preliminary hearing, in which case one-third of the fine shall be paid to the Commonwealth's Attorney.

Mr. BODLEY advocated the passage of the bill at some length, insisting that humanity and philanthropy both demanded that some law of the kind should be enacted. He hoped that those opposed to the bill would let it have a second reading, in order that the friends of the measure, and those opposed to it might amend, and make it more perfect and less objectionable in its operations.

Mr. McCLEROY opposed the passage of the bill, and said that he did not believe it would be constitutional to enact such a law, and read from the third section of the bill of rights to maintain his position.

Mr. MENZIES hoped the bill would not be defeated at the stage in which it was, and that it would pass to a second reading. The friends of the measure desired to perfect it by amendments. He thought it an interesting subject; and although he had become a strong pro-slavery man, after giving the subject a great deal of reflection, believing, as he did, that as mankind is, servitude must exist, and that the slavery of Kentucky was now perhaps the best servitude in the world, or that had ever existed. But why not improve it? To relieve slavery from the circumstances of evil which attend it would place slavery in a better position for the condemnation of its enemies, rendering it more satisfactory to its friends.

Mr. MORROW made a few remarks in opposition to the bill.

Mr. BOWLING said that the bill, with certain amendments which he would offer at a proper time, was but the embodiment of the moral sentiment of the people of Kentucky, the soul of the philanthropist, and the voice of humanity.

His purpose was to throw no restrictions upon true-hearted men. Such restrictions as it contained, had long since been written upon their hearts by the spirit of humanity. Their moral sense of justice makes them loathe and abhor the Shylock who, for the hope of gain, would snap the holiest cords of human nature, and publicly tear from the arms of a weeping mother her tender offspring, and separate them forever. It was to stop this unholy traffic in babes and mothers, that these monsters of humanity carry on in a christian land, that induced him to support the bill, and not for the purpose of throwing any further restrictions about the true and loyal citizens of Kentucky. They were already restrained by a moral law, more binding in their conscience than any law that can be enacted; the nation desired such restrictions as this bill, if passed, would afford, by relieving them from the heart-rending scenes of separation between mother and child, which, he thanked God, but seldom, yet too often occurred in the public marts of our own proud Commonwealth. He argued that it was almost as much for the abolitionist one of his keenest weapons of offense, which he ever wares an insane war against the institutions of the South, and would prove to mankind that humanity nowhere finds a soil more congenial to its growth than in the hearts of Southern slaveholders.

Before any vote was taken, the SPEAKER announced the

ORDERS OF THE DAY.

The House then resolved itself into a committee of the Whole—Mr. MENZIES, in the Chair.

On a motion offered by Mr. JAMES, together with the substitute offered by the committee on Federal Relations for the same, which are as follows:

1. Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the abrogation of the line known as the "Missouri Compromise line," and the repeal of the restriction as to slavery in the territories, by the compromise measures of 1850, and by the Kansas-Nebraska act, was right, necessary and proper.

2. Resolved, That the constitution grants no power to Congress to inhibit or establish slavery in the territories belonging to the United States.

3. Resolved, That it would be a palpable violation of the constitution for Congress to refuse to admit into the Union any new State formed out of the territories—the common property of the United States—merely because such new State might tolerate slavery.

4. Resolved, That the principle of non-intervention by Congress on the slavery question, as contained in the Kansas-Nebraska act, is the true policy of the general government; and that any departure from it would, in our opinion, greatly endanger the existence of the Union.

5. Resolved, That regarding the Kansas-Nebraska act as a great national and constitutional measure, the thanks of the people of the South are especially due those members of Congress from the North who assisted in its passage, and to the President of the United States who approved it.

6. Resolved, That the repeal or modification of the fugitive slave law would also greatly endanger the safety of the Union, and that the thanks of the people of the South are especially due those members of Congress from the North who assisted in its passage, and to the President of the United States who approved it.

7. Resolved, That our Senators in Congress be instructed, and our Representatives requested, to vote in accordance with the principles of these resolutions, and not to vote for any man for office who is not willing to stand up for the same.

The following is the substitute offered by Mr. MARSHALL, from the committee on Federal Relations, for the above resolutions:

WHEREAS, The passage of the Kansas-Nebraska act by Congress, has been followed by increased irritation in the public mind on the subject of slavery; which irritation it is the duty of patriots to allay, and the object of demagogues to foster and continue; and whereas, it is right and proper to express the views of the people of Kentucky on other important topics now agitating the public mind—and we echo their voice as spoken at the late election, when we announce their unqualified approbation of the principles embodied in the Philadelphia platform of the American party; Therefore,

1. Be it resolved by the General Assembly of the Commonwealth of Kentucky, That we look to the union of these States as the best, if not the only security for our peace and happiness, and as the main pillar in the edifice of our liberty; that we cherish a cordial, habitual, and immovable attachment to it, and that we will unite in opposition to all attempts to weaken and subvert it, and to every principle or policy that can endanger it.

2. Resolved, That the systematic agitation of the slavery question has brought our institutions into peril, and we hold it to be the duty of every American patriot to unite for the purpose of suppressing this agitation, and thereby giving peace to the country and perpetuity to the Union; and we solemnly believe it to be the best guarantee of common justice and future peace, to abide by and maintain the existing laws upon the subject of slavery as a final and conclusive settlement of that subject, in spirit and in substance.

3. Resolved, That Congress has no right to exclude any State from admission into the Union, because its Constitution may, or may not, recognize slavery as a part of its social system.

4. Resolved, That the public domain is the common property of the people of all the States, and is held by the General Government in trust for the common good, and that any legislation invidiously restricting on any manner interfering with the equal enjoyment thereof by the citizens of the different States, would be inconsistent with the spirit and true intent of the trust, of questionable constitutionality, and dangerous to the harmony of the Union.

5. Resolved, That, to perpetuate the countless blessings of this Union, we are deeply impressed with the necessity of the cultivation and development of American nationality and of American feeling; that we are utterly opposed to all legislation by the General Government, for the Territories, which shall give the right of suffrage, the right to hold office, or any portion of the public domain, to any persons who are not citizens of the United States; and that so much of the Kansas-Nebraska act as confers the right of suffrage and the right to hold office on aliens, is a gross departure from all true American principles, places in foreign and untried hands the legislation of the Territories, and ought never to have been incorporated in the act.

6. Resolved, That, notwithstanding the obnoxious alien feature of the Kansas-Nebraska act, we are opposed to its repeal, because it has settled the policy of the Government in reference to slavery in the Territories, and we believe the interest and safety of the Union require that it should not be disturbed.

7. Resolved, That the Fugitive Slave Law ought to be fully maintained and firmly enforced by every public functionary, and that any material change of that law, calculated to impair the guarantee of slave property, would greatly endanger the safety of the Union.

8. Resolved, That we condemn the transmission of the shores of felons and paupers, and while we recognize as brothers those foreigners, who, from love of liberty or hatred of oppression, have sought an asylum in our midst, we are convinced that it is detrimental to the best interests of the country that the foreign immigration should be, as we believe it now is, greater than can be conveniently absorbed by the native population; and we are, therefore, in favor of a radical revision of the laws regulating immigration and naturalization.

9. Resolved, That obedience to the Constitution of the United States, as the supreme law of the land, is sacredly obligatory upon every citizen, and we utterly reprobate and condemn the advancement of any person to political station who acknowledges civil allegiance, directly or indirectly, to any foreign power, whether civil or ecclesiastical.

10. Resolved, That a copy of the foregoing resolutions be transmitted to each of our Senators and Representatives in Congress.

Mr. HEWITT addressed the committee at some length in favor of the substitute.

On motion, the committee rose, reported progress, and had leave to sit again.

And then the House took a recess until 3 o'clock.

EVENING SESSION.

Mr. ALEXANDER offered the following resolution, viz:

WHEREAS, a portion of the citizens of Fulton county, residing in that portion called Madrid Bend, have petitioned the Legislature of Kentucky to be annexed to the State of Tennessee; therefore,

Persons having accounts with us now, will please
and settle the same. GRAY & TODD,
n. 1, 1855.

